

1 ZIEVE, BRODNAX & STEELE, LLP
2 Shadd A. Wade, Esq.
3 Nevada Bar No. 11310
4 3753 Howard Hughes Parkway, Suite 200
5 Las Vegas, Nevada 89169
6 Tel: (702) 948-8565; Fax: (702) 446-9898
7 swade@zbslaw.com

8 Attorneys for Plaintiff U.S. Bank, National Association, As Trustee for the Certificateholders of
9 CSMC 2007-3

10

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF NEVADA**

13 U.S. BANK, NATIONAL ASSOCIATION,
14 AS TRUSTEE FOR THE
15 CERTIFICATEHOLDERS OF CSMC
16 2007-3, a national banking association,

17 Plaintiff,

18 vs.

19 THE VILLAGE GREEN HOMEOWNERS
20 ASSOCIATION, a Nevada corporation;
21 ALESSI & KOENIG, LLC, a Nevada
22 limited liability company; ERIC
23 RECIENTES, an individual; RAYMOND
24 ARROYO, JR., an individual; ROBERT
25 KEASLER, an individual; JASON
26 FITZPATRICK, an individual; SHIELA
27 MARIE FITZPATRICK, an individual;
28 DOES 1 through 10, inclusive, and ROES 1
through 10, inclusive.

Defendants.

CASE NO.: 2:17-cv-00540-JCM-PAL

**AMENDED STIPULATION AND
ORDER TO DISMISS DEFENDANT
THE VILLAGE GREEN
HOMEOWNERS ASSOCIATION**

29 Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff U.S. BANK, NATIONAL
30 ASSOCIATION, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CSMC 2007-3
31 (hereinafter “U.S. Bank”) and Defendant THE VILLAGE GREEN HOMEOWNERS
32 ASSOCIATION (hereinafter “VILLAGE GREEN”), (collectively, the “Parties”), by and
33 through their respective counsel of record, hereby stipulate as follows:

34 1. On February 22, 2017, Plaintiff U.S. Bank filed its Complaint in this action naming
35 VILLAGE GREEN and other parties as defendants related to a homeowners association

1 foreclosure sale of real property located at 2416 Pickwick Drive, Henderson, Nevada 89014;
2 APN 178-05-210-022 (hereinafter "Property").

3 2. The Parties hereby agree that U.S. Bank's claims against VILLAGE GREEN shall be
4 dismissed with prejudice, and U.S. Bank and VILLAGE GREEN shall each bear its own costs
5 and fees related to this litigation.

6 3. The Parties further agree that VILLAGE GREEN does not take a position regarding
7 whether the September 5, 2012 lien foreclosure sale extinguished U.S. Bank's interest in the
8 deed of trust.

9 4. VILLAGE GREEN asserts that it does not have a current ownership interest in title to
10 the Property, subject to the continuing encumbrance of the CC&Rs.

11 5. This dismissal does not affect any rights, claims or defenses of U.S. Bank or VILLAGE
12 GREEN with respect to any other party related to the foreclosure sale of the Property.

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
IT IS SO STIPULATED.

2 DATED: March 13, 2018.

3 ZIEVE, BRODNAX & STEELE, LLP

5 /s/ Shadd A. Wade

6 Shadd A. Wade , Esq.
7 Nevada Bar No. 11310
8 3753 Howard Hughes Pkwy., Ste. 200
9 Las Vegas, NV 89169
10 *Attorney for Plaintiff*

DATED: March 13, 2018.

GORDON REES SCULLY MANSUKHANI,
LLP

/s/ Wing Y. Wong

Robert S. Larsen, Esq.
Nevada Bar No. 7785
Wing Yan Wong, Esq.
Nevada Bar No. 13622
300 South Fourth Street Suite 1550
Las Vegas, NV 89101
11 *Attorney for The Village Green Homeowners
12 Association*

ORDER

13 Based on the foregoing stipulation, and good cause appearing,

14 **IT IS ORDERED** that Defendant The Village Green Homeowners Association is
15 hereby dismissed from this case with prejudice.

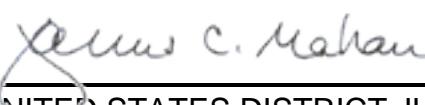
16 **IT IS FURTHER ORDERED** that Defendant The Village Green Homeowners
17 Association has no present ownership interest in title to the Property, subject to the continuing
18 encumbrance of the CC&Rs.

19 **IT IS FURTHER ORDERED** that each party shall bear its own attorneys' fees and
20 costs.

21 **IT IS FURTHER ORDERED** that this dismissal does not affect any rights, claims or
22 defenses of U.S. Bank or VILLAGE GREEN with respect to any other party related to the
23 foreclosure sale of the Property.

24 **IT IS SO ORDERED.**

25 DATED March 15, 2018.

26
27 
28

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of ZIEVE, BRODNAX & STEELE, LLP; that service of the foregoing **STIPULATION AND ORDER TO DISMISS DEFENDANT THE VILLAGE GREEN HOMEOWNERS ASSOCIATION** was made on the 13th day of February, 2018 by electronic service to all parties and counsel as identified on the Court-generated Notice of Electronic Filing.

GORDON REES SCULLY MANSUKHANI, LLP
ROBERT S. LARSEN, ESQ.
WING YAN WONG, ESQ.
300 South Fourth Street, Suite 1550
Las Vegas, Nevada 89101
Attorney for The Village Green Homeowners Association

/s/Sara Aslinger
An employee of ZIEVE, BRODNAX & STEELE,
LLP